

SEPTEMBER 9, 2019

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, SEPTEMBER 9, 2019 IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 6:00 P.M.

**CITY COMMISSION PRESENT:**

Sam R. Fugate, Mayor  
Edna Lopez, Commissioner  
Hector Hinojosa, Commissioner  
Dianne Leubert, Commissioner  
Arturo Pecos, Commissioner

**CITY STAFF PRESENT:**

Mary Valenzuela, City Secretary  
Courtney Alvarez, City Attorney  
Kyle Benson, IT Manager  
Susan Ivy, Parks Manager  
Deborah Balli, Interim City Manager  
Charlie Sosa, Purchasing Manager  
Diana Gonzales, Human Resources Director  
Emilio Garcia, Health Director  
Adrian Garcia, Fire Chief  
Ricardo Torres, Police Chief  
Bill Donnell, Public Works Director  
Robert Rodriguez, Library Director  
Cynthia Martin, Downtown Manager  
David Soliz, Risk Manager  
Rudy Mora, City Engineer  
Derek Williams, IT Department

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate opened the meeting at 6:00 p.m. with all five Commission members present.

**INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)**

The invocation was delivered by Mrs. Courtney Alvarez, City Attorney, followed by the Pledge of Allegiance and the Texas Pledge.

**MINUTES OF PREVIOUS MEETING(S)**

None.

**II. Public Hearing - (Required by Law).<sup>1</sup>**

1. None.

**III. Reports from Commission & Staff.<sup>2</sup>**

*“At this time, the City Commission and Staff will report/update on all committee assignments which may include, but is not limited to, the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, Tourism, Chamber of Commerce, Coastal Bend Council of Governments, Conner Museum, Keep Kingsville Beautiful, and Texas Municipal League. Staff reports include the following: Building & Development, Code Enforcement, Condemnation Update, Proposed Development Report; Accounting & Finance – Financial & Investment Information, Investment Report, Quarterly Budget Report, Monthly Financial Reports, Utilities Billing Update; Police & Fire Department – Grant Update, Police & Fire Reports; Streets Update; Public Works; Landfill Update, Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Emergency Management, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Health Department, Hotel Occupancy Report, Quiet Zone, SEP, Legislative Update, Proclamations, Employee Recognition, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor, Wastewater Treatment Plant, Water And Wastewater Rate Study Presentation, Golf Course, Library Summer Programs, Grants Update. No formal action can be taken on these items at this time.”*

Mayor Fugate presented a certificate and watch for retiree Mr. Jose Flores. Mr. Flores worked for the City of Kingsville for 40 years.

Mayor Fugate requested an update on demolitions for the next Commission meeting.

Mrs. Alvarez explained that item #11 was left blank as the information had not been received prior due to staff waiting for RFP's to come in at the time of posting the agenda. She further mentioned that the next Commission meeting is scheduled for September 23<sup>rd</sup> with a deadline for staff to turn in items by September 13<sup>th</sup>.

Commissioner Lopez stated that she would like for staff to place the minutes on the City's website. This would make it easier on everyone who would like to do some research on city business.

#### IV. Public Comment on Agenda Items.<sup>3</sup>

1. Comments on all agenda and non-agenda items.

No public comments made.

#### V.

##### Consent Agenda

##### Notice to the Public

*The following items are of a routine or administrative nature. The Commission has been furnished with background and support material on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote.*

##### CONSENT MOTIONS, RESOLUTIONS, ORDINANCES AND ORDINANCES FROM PREVIOUS MEETINGS:

*(At this point the Commission will vote on all motions, resolutions and ordinances not removed for individual consideration)*

**Motion made by Commissioner Pecos to approve the consent agenda as presented, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Pecos, Fugate voting "FOR".**

1. **Motion to approve expending funds from the City of Kingsville Employee Benefit Plan Trust for the 2019 City Health Fair (for employees and eligible dependents). (Human Resources Director).**
2. **Motion to approve a resolution of the City of Kingsville, Texas, regarding several policies and resolutions such as designation of signatories, civil rights, citizen participation plan, Section 3, excessive force, Section 504, Fair Housing, and Code of Conduct Policies for TXCDBG Compliance. (Downtown Manager).**

##### REGULAR AGENDA

##### CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

#### VI. Items for consideration by Commissioners.<sup>4</sup>

3. **Consider final passage of an ordinance adopting the City Manager's budget, as amended, of the City of Kingsville, Texas, and appropriating funds for the fiscal year beginning October 01, 2019 and ending September 30, 2020 in the particulars hereinafter stated. (Finance Director).**

Mrs. Balli reported that the budget that is being proposed to be adopted is \$46,533,961.00. This changed from this meeting to the last meeting as there were some State fees \$48,125 that staff is aware will be billed but haven't been billed from TCEQ.

**Motion made by Commissioner Pecos to approve the ordinance adopting the City Manager's budget, as amended, of the City of Kingsville, Texas, and appropriating funds for the fiscal year beginning October 01, 2019 and ending September 30, 2020 in the particulars hereinafter stated, seconded by Commissioner Leubert.**

Commissioner Lopez commented that she cannot support this budget that is so negative towards the citizens and our employees.

**The motion was passed and approved by the following vote: Leubert, Pecos, Fugate voting "FOR". Lopez and Hinojosa voting "AGAINST".**

4. **Consider final passage of an ordinance establishing and adopting the ad valorem tax rate for all taxable property within the City of Kingsville, Texas for fiscal year beginning October 01, 2019 and ending September 30, 2020, distributing the tax levy among the various funds, and providing for a lien on real and personal property to secure the payment of taxes assessed. (Finance Director).**

Mrs. Balli stated that the tax rate that is in the proposed budget is \$.85304, and it's broken down with the M&O portion being \$.68522 with the debt service portion of the rate being \$.16782.

**Motion made by Commissioner Pecos stating, "I move that the property tax rate be increased by the adoption of a tax rate of \$0.85304, which is effectively a 4.99% percent increase in the tax rate", seconded by Commissioner Leubert.**

Commissioner Leubert commented that they are moving this tax rate not for negativity for the employees or the citizens and also adopting the budget for the citizens and the employees. This is a positive, but it depends on how you look at it. She further commented that if you want safety and things to do for your family; if you want water, sewer than you must pay for it as we don't have a tax base yet, although it is being worked on. She also stated that maybe not all employees live in the city, but they care for their city and the citizens and they must make hard choices. She stated that they are making hard choices, choices they don't want to make. They don't want to increase the budget or the tax rate on the citizens.

Commissioner Lopez commented that the Commission has every right to support the increase the tax rate and water rates and all other rates, but she has the right to voice her opinion as it is why she was voted in. She stated that during this budget, there was no discussion about adding more Firefighters or discuss safety during the budget process. She stated that she feels as if a lot was left out and to her this is negative to the citizens. She also stated that there was a citizen last year that came and spoke up about water rate increase and people on fixed incomes, this is something she deals with every day. She commented that she gets calls everyday and she feels like that she cannot support this budget. She further commented that everyone who lives out of town, but she feels that when they presented a budget like that, she just can't support it. She stated that the information that was given to her was not enough information.

**The motion was passed and approved by the following vote: Leubert, Pecos, Fugate voting "FOR". Lopez and Hinojosa voting "AGAINST".**

**5. Consider ratifying the property tax increase reflected in the 2019-2020 Annual Budget of the City of Kingsville (per the motion). (Finance Director).**

**Motion made by Commissioner Leubert to approve ratifying the property tax increase reflected in the 2019-2020 Annual Budget of the City of Kingsville (per the motion), seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Leubert, Pecos, Fugate voting "FOR". Lopez and Hinojosa voting "AGAINST".**

**6. Consider a resolution authorizing the setting aside the difference in funds received from \$.83000 and \$.85304 tax rate into a special fund for future emergency and/or capital needs (to be decided by City Commission). (Interim City Manager).**

Mrs. Balli commented that this was discussed during the budget process to adopt the \$.85304 and take the difference to set it aside in a special fund for future emergency and/or capital items as determined by the City Commission.

**Motion made by Commissioner Leubert to approve the resolution authorizing the setting aside the difference in funds received from \$.83000 and \$.85304 tax rate into a special fund for future emergency and/or capital needs (to be decided by City Commission), seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Leubert, Pecos, Fugate voting "FOR". Lopez and Hinojosa voting "AGAINST".**

**7. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter III, Article 7, Personnel Policies. (Human Resource Director).**

Mrs. Diana Gonzalez stated that the compensation plan includes the 1% COLA increase and the position of Audio/Visual part-time position for the Kingsville Police Department as well as the certification pay.

Introduction item.

**8. Consider a resolution amending the City of Kingsville Administrative Policies and Procedures Manual, Policy No. 640.01 Safety Incentive Award Program. (Human Resource Director).**

Mrs. Gonzales stated that this resolution will update Policy 640.01 Safety Incentive Award Program to include all non-civil service employees including both field and non-field personnel. One criterion that was changed is where you had two preventable accidents in the program year reduce it to one preventable accident per program year. She further stated that if they have one preventable accident, they will no longer be eligible for the award. Also, if they failed to timely file the incident within a timeframe, would make them ineligible for the award.

Commissioner Lopez asked why the change, going from 2 to 1? Mrs. Gonzales responded that it seemed to be detrimental to the policy itself. She further stated that if an employee thinks they can have two preventable accidents and have no consequences to that, this way it would be more safety conscious. Commissioner Lopez asked if this was a change for indoor employees only. Mrs. Gonzales responded that this is for everyone. Commissioner Lopez further asked who looks into the accidents, is there a Safety Committee in place? Mrs. Gonzales responded that the Risk Manager has a Safety Committee that reviews all incidents and consider the incidents preventable or non-preventable.

Commissioner Lopez asked if the employees had a way of appealing the Committees decision. Mrs. Gonzales responded that there is an appeal where the employee can appear before the Committee and if the employee feels that it is not an adjust decision, the employee can present their case to the City Manager. Commissioner Lopez asked if it was the Committee to change it to one or did one individual decide this? Mrs. Gonzales responded that this had been discussed between the Risk Manager and herself since last year. Since the policy was being updated, it was a good opportunity to make that change. She further stated that it to prevent safety.

Commissioner Hinojosa asked how many members are in the Committee. Mrs. Gonzales responded that there is a six-member Committee in place which consist of different employees from different departments.

Mr. David Solis commented that there are representatives on this Committee from Public Works, Fire, Health, Parks & Recreation and Police. The Committee looks at the finding of the investigation and see if the incident was preventable and non-preventable.

Mayor Fugate commented that everyone understands what is being done.

**Motion made by Commissioner Leubert to approve the resolution amending the City of Kingsville Administrative Policies and Procedures Manual, Policy No. 640.01 Safety Incentive Award Program, seconded by Commissioner Lopez and Commissioner Pecos. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Lopez, Fugate voting "FOR".**

**9. Consider a resolution amending the City of Kingsville Administrative Policies and Procedures Manual, Policy No. 630.04 Separation Pay. (Human Resources Director).**

Mrs. Gonzales stated that Policy 630.04 Separation Pay pertains to non-civil service staff. These revisions address several areas as indicated. Increase employment timeframe from 6 months to 9 months to be eligible to receive payouts of accrued vacation and sick leave upon separation. Creation of tiers for vacation payouts. The more time an individual is employed the higher number of accrued vacation hours available at separation. New tiers range from 80 hours to 200 hours. Reduce the number of eligible vacation hours for persons separating with less than 2 years of continuous service from 120 to 80 hours. Eliminate the exclusion of exempt staff from regular sick leave payout. Policy 630.04 was last updated on August 28, 2006. The financial impact absorbed within affected departments. It is staff's recommendation to consider the revisions to Policy 630.04 Separation Pay.

Commissioner Hinojosa asked if the employee gets separated for any reason, the employee still receives it? Mrs. Gonzales responded yes. Commissioner Hinojosa asked if you still money from the city, you still get it? Or if you kill someone, you still get it?

Mrs. Alvarez commented that the Policy is the Policy and responded yes.

Mrs. Gonzales commented that the Policy is not dependent on the type of separation.

**Motion made by Commissioner Pecos to approve the resolution amending the City of Kingsville Administrative Policies and Procedures Manual, Policy No. 630.04 Separation Pay, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Leubert, Pecos, Lopez, Hinojosa, Fugate voting "FOR".**

**10. Consider a resolution amending the City of Kingsville Administrative Policies and Procedures Manual, Policy No. 630.01 Longevity Pay. (Human Resources Director).**

Mrs. Gonzales stated that Policy 630.01 Longevity Pay pertains to all full-time and part-time employees. Addition of longevity for non-civil service at \$2.00 per month per year of service is approximately \$36,240, which has been included in the budget.

Commissioner Lopez stated that the resolution states that it has an attachment of Exhibit A, but there is no Exhibit A attached.

Mrs. Alvarez responded that it was only supposed to be a clean copy of the Longevity Policy.

Mrs. Gonzales stated that there are three sentences to the Longevity Pay: Longevity pay applies to all full-time and part-time employees of the City of Kingsville; Longevity rates for non-civil service positions are established by the City Commission on an annual basis; and Longevity rates for civil service employees are established by their perspective collective bargaining agreements.

**Motion made by Commissioner Leubert to approve the resolution amending the City of Kingsville Administrative Policies and Procedures Manual, Policy No. 630.01 Longevity Pay, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Lopez, Hinojosa, Leubert, Fugate voting "FOR".**

**11. Consider a resolution authorizing the Mayor to enter into a Grant Administration Services Agreement between the City of Kingsville, Texas and for a 2020 Texas Capital Fund Main Street Grant. (Downtown Manager).**

Mayor Fugate commented that he isn't sure if this a good thing to have done and further asked if this has ever been done.

Mrs. Alvarez responded no. Mayor Fugate asked why it is being done. Mrs. Alvarez responded that staff was made aware of a timeline and they couldn't get the RFP with the memo done to put it on the agenda before we had to publish the agenda. Alvarez further stated that we still have the public on notice as to what the City Commission is doing such as selecting someone for grant administrative services and there is no requirement that we identify the group on the heading of the agenda.

Mrs. Cynthia Martin, Downtown Manager commented that only Texas Main Street Communities are available and with 89 communities is eligible in that pool. She further stated that this year they have raised the grant amount to \$350,000 from \$250,000. This is a great opportunity that also has a low cash match.

Mayor Fugate asked what the cash match was. Mrs. Martin stated that it is a minimum of 5% but will probably recommend 10% to receive points. Martin further stated that part of the reason that this is a rush with a blank, is that Texas Department of Agriculture changes the grant guidelines every year. Now they have a system where they have a pre-approved list that they pre-vetted to do this. The process for the RFP is a little different as it is just a form for request for proposals. Mrs. Martin stated that only one proposal was received by the deadline of September 6, 2019 that being Grant Works. It is staffs recommended that Grant Works be chosen for application preparation and if a 2020 Main Street grant should be awarded to the City, administrative services pertaining to this grant.

Mayor Fugate asked Mrs. Alvarez if it is his understanding that it is ok to leave it blank.

Mrs. Alvarez stated that because the whole purpose of having the agenda is to put the public on notice of what you intend to do. You don't have to have a super high level of specificity, sometimes we can when we do, but with this instance we did let the public know that we would be going out for grant administrative services and what the purpose was for which was for the 2020 Texas Capital Fund Main Street Grant.

Mayor Fugate asked what the money would be used for. Mrs. Martin stated that it would be used for new sidewalks, curb & gutter and bulb outs, ADA compliant ramps, handicapped parking and improved lighting along Kleberg Ave and between 7<sup>th</sup> Street and 8<sup>th</sup> Street.

Mayor Fugate asked if we were informing the public. Mrs. Martin responded yes. She further commented that later there will be a resolution of support for the actual application.

**Motion made by Commissioner Pecos to approve resolution authorizing the Mayor to enter into a Grant Administration Services Agreement between the City of Kingsville, Texas and for a 2020 Texas Capital Fund Main Street Grant, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Pecos, Fugate voting "FOR".**

**12. Consider a resolution authorizing the Interim City Manager to enter into a Commercial Real Estate Listing Agreement Exclusive Right to Sell between the City of Kingsville and Monica Mendez of First Texas Realty. (Purchasing Manager).**

Mr. Charlie Sosa stated that this is giving the authority for the City Manager to enter into a contract for the sale of five acres of land that the city has located on General Cavazos Blvd. west of the railroad tracks. It is being proposed that the city could sale this property for \$15,000 per acre.

**Motion made by Commissioner Leubert to approve the resolution authorizing the Interim City Manager to enter into a Commercial Real Estate Listing Agreement Exclusive Right to Sell between the City of Kingsville and Monica Mendez of First Texas Realty, seconded by Commissioner Pecos. The motion was passed and**

approved by the following vote: Hinojosa, Leubert, Pecos, Lopez, Fugate voting "FOR".

**13. Discuss and consider how to move forward with Census preparation. (Interim City Manager).**

Mayor Fugate commented that he doesn't recall back in 2009 that this was done.

Commissioner Lopez asked if the county will have a committee.

Mrs. Balli stated that the county has its own count committee and the Judge stated that the city can join in with them or the city can do its own. She stated that the County has other communities that don't pertain to the city.

Commissioner Hinojosa commented that he prefers for the County to do it.

Mayor Fugate asked for the Commission not to act on this item. This would allow him to visit with the County Judge about what their intentions are, then come back and give a report to the Commission.

**14. Consider awarding bid #RFP#19-9 for Internet and Data Services. (Purchasing Director).**

Mr. Sosa stated that this item authorizes the City to negotiate into a contract with New Wave Communications for the City of Kingsville. RFP 19-09 Internet and Data Services will provide internet and data services for all city owned buildings. Staff published a Request for Proposal #19-09 in the newspaper on July 4, 2019 and July 18, 2019. Request for Proposals were accepted until 2:00 p.m. on July 30, 2019. Four responses were received from Spectrum Enterprises of San Antonio, T; Foremost Telecommunications, of Corpus Christi, TX; and AT&T Business of San Antonio, TX; and New Wave Communications of Phoenix, AZ. Purchasing and IT Department reviewed the RFP and found the information received to be responsive. Based on the proposals submitted from the four firms, New Wave Communications of Phoenix, AZ is the apparent best value for the city's internet and data services. Internet and Data Services will be funded through the Communications Budget of each department. It is staff's recommendation that the City negotiate a contract with New Wave Communications of Phoenix, AZ for the internet data services for city buildings.

**Motion made by Commissioner Hinojosa to award bid #RFP#19-9 for Internet and Data Services to New Wave as per staff recommendation, seconded by Commissioner Lopez. The motion was approved by the following vote: Pecos, Lopez, Hinojosa, Leubert, Fugate voting "FOR".**

**15. Consider awarding bid RFP #19-11 for Water Well #19 Ground Storage Tank Replacement Project. (City Engineer).**

Mr. Mora stated that the purpose of the project is to replace the existing Ground Storage Tank (GST) at Water Well No. 19. The address for the project is 315 N. 6<sup>th</sup> Street. It is located next to the City Xeriscape Garden Pavilion. The GST is in service since 2000. It currently has 34 patch repairs and 41 pin holes on the exterior and needs replacement. The life cycle of the galvanized storage tank is approximately 17 years, so it's exceeded that. The Engineering Department provided the engineering services for this project. The project was advertised in the local paper and online on August 1<sup>st</sup> and August 8<sup>th</sup>. A pre-bid was held on August 20, 2019 and the bid opening was on August 27, 2019. The base bid was to remove and install a new galvanized bolted tank. Alternate No. 1 includes a powder coated finish in lieu of a galvanized finish. Bids were received from two contractors which included TTE, LLC from Spicewood, TX, and Donald Hubert Construction from Kingsville, TX. References were verified for each of the contractors. Four options are being presented. The Base Bid ranged from \$183,500.00 to \$230,800.00. Base Bid plus Alternate No. 1 bid ranged from \$189,500.00 to \$235,885.00. The ground storage tank has been scheduled for replacement since 2016. The city would fund the project from account 054-5-6002-71200 which has \$189,500.00 allocated for ground storage tank replacement. It is staff's recommendation to award the project to TTE for the base bid and Alternate No. 1 in the amount of \$189,500.00 and authorizing the City Manager to execute a contractor.

**Motion made by Commissioner Lopez to award the RFP #19-11 for Water Well #19 Ground Storage Tank Replacement Project to TTE as staff's recommendation, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Pecos, Fugate voting "FOR".**

**16. Consider introduction of an ordinance amending the Fiscal Year 2018-2019 budget to clear up deficit accounts (receive and expend grant funds for Law Enforcement Off Stand Fund 009). (Director of Finance).**

Introduction item.

17. **Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances, Chapter IX-General Regulations, Article 8-Parks and Recreation, providing for revised fees for the L.E. Ramey Golf Course Annual Cart Fee & Green Fee and the Monthly Locker Fee. (Parks Director).**

Introduction item.

18. **Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances, Chapter V, Article 3-Water, providing for an increase in water rates. (Interim City Manager).**

Introduction item.

19. **Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances, Chapter V, Article 2-Sewers, providing for an increase in sewer rates. (Interim City Manager).**

Introduction item.

20. **Discussion and consideration of request to remove barricades from an alley that runs between North 10<sup>th</sup> and North 12<sup>th</sup> Streets (parallel to E. Ave. A and E. Nettie). (City Engineer).**

Mr. Mora stated that a resident submitted a request to the City for removal of a barricade in an alley between 12<sup>th</sup>, 10<sup>th</sup>, E Ave a and E Nettie Ave. The Engineering Department sent letters to residents along E Ave A between 10<sup>th</sup> & 12<sup>th</sup> Street regarding the removal of the barricades that is in the alley south of E Ave. A. From the 16 letters that were sent out to residents, 3 approved the removal and 4 opposed and 9 did not respond. The residents against were upset about the removal stating the barricade had been in place for the safety of their children that play in the area and if the barricade is removed, the area will be prone to high traffic and fast drivers making it a hazard for their children. This barricade has been in place for over 20 years without a complaint from any residents in the area. However, some property owners are not able to access their property through the alley. The Engineering Department researched the archives for City Commission meetings from 1980-1995 but was not able to find any information regarding the installation of the barricade. The removal of the barricade will not have any financial impact on the city.

Commissioner Lopez stated that she has met with residents and they don't approve the removal of the barricade. She stated that the area where the barricade is located is wide enough to make a U-turn.

Commissioner Leubert commented that she met with David Guytan about this year ago as to why this barricade was placed. What was happening is that people were using it as a shortcut, and they would drive very fast which was a problem for everyone who lived there.

Mayor Fugate asked if this was done 20 years and no complaints were ever received.

Commissioner Lopez further commented that the area is kept clean and if it was removed it could become a safety issue.

Mayor Fugate asked for a motion to approve.

Mayor Fugate asked for a motion to approve.

Mayor Fugate asked for a motion to approve.

**Item dies for a lack of motion.**

21. **Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter VII, Article 5, Traffic Schedule II, providing for the removal of a school zone on East Caesar Ave. for St. Gertrude School and the removal of school zone signs. (City Engineer).**

Introduction item.

22. **Executive Session: Pursuant to Section 551.087, Texas Government Code, Deliberations Regarding Economic Development Negotiations Exception, the City Commission shall convene in executive session to deliberate the offer of a financial or other incentive to a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations. (Interim City Manager).**

Mayor Fugate announced this executive session and convened the meeting into closed session at 6:05 p.m.

Mayor Fugate reconvened the meeting into open session at 7:06 p.m.

23. **Consider a resolution authorizing the Mayor to execute an Economic Incentive Agreement between the City of Kingsville, Texas and Alpha Lake Ltd. (Chapter 380 Agreement). (City Attorney).**

Motion made by Commissioner Leubert to approve the resolution authorizing the Mayor to execute an Economic Incentive Agreement between the City of Kingsville, Texas and Alpha Lake Ltd. (Chapter 380 Agreement), seconded by Commissioner Lopez and Commissioner Pecos. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Pecos, Fugate voting "FOR".

**24. Discussion and consideration of a request from Kleberg County to provide a letter of commitment for grant matching funds for an EDA Grant for a Regional Training Center and Emergency Operating Center with no in-kind match. (Mayor Fugate).**

Mayor Fugate stated that he received a call from the County Judge that we had asked that as part of the \$537,500 that was put away for the EDA Grant and where Mr. Garza had put in for some in-kind funds. People from the grant stated that this could not be done. Mayor Fugate stated that staff had less than 24 hours to do something about this.

Mrs. Balli stated that staff had to have it to Petra who is the grant administrator. She further stated that staff had to have it to her by end of day Friday or they would lose the grant.

Mayor Fugate stated that it was a decision made by him and Mrs. Balli to draft up a letter stating that the City would withdraw the in-kind match and do a total cash match.

**Motion made by Commissioner Lopez to approve a letter of commitment for grant matching funds for an EDA Grant for a Regional Training Center and Emergency Operating Center with no in-kind match, seconded by Commissioner Pecos.**

Mayor Fugate commented that this is not something that he likes doing without the Commission being onboard or given an opportunity to voice their opinion. But as there was no other choice, it had to be done immediately.

The motion was passed and approved the following vote: Hinojosa, Leubert, Pecos, Lopez, Fugate voting "FOR".

**25. Consider a resolution of the City of Kingsville, Texas supporting Kleberg County's Application to the U.S. Department of Commerce, Office of Economic Development Administration under the Disaster Supplemental Funding Economic Adjustment Program for a Regional Public Safety Training Facility and Emergency Operations and Command Center, certifying that the City of Kingsville is in support of the application and willing to provide up to \$537,500 in cash match for the grant. (Mayor Fugate).**

Motion made by Commissioner Lopez to approve the resolution of the City of Kingsville, Texas supporting Kleberg County's Application to the U.S. Department of Commerce, Office of Economic Development Administration under the Disaster Supplemental Funding Economic Adjustment Program for a Regional Public Safety Training Facility and Emergency Operations and Command Center, certifying that the City of Kingsville is in support of the application and willing to provide up to \$537,500 in cash match for the grant, seconded by Commissioner Pecos.

Mayor Fugate commented that he attended the County Commissioners meeting this morning and during public comments he congratulated the Commissioners Court for having the initiative in getting this grant. He stated that he also pointed out to them that he was concerned about their budget and tax rate as this is bricks and mortars and doesn't deal with operations.

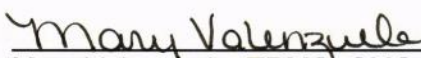
The motion was passed and approved by the following vote: Leubert, Pecos, Lopez, Hinojosa, Fugate voting "FOR".

**VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 7:12 P.M.

  
Sam R. Fugate, Mayor

**ATTEST:**

  
Mary Valenzuela, TRMC, CMC, City Secretary